

September 12, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 19-93**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limited the receipt of Supplemental Nutrition Assistance Program (SNAP) benefits, known as CalFresh in California, to three full months in a 36-month period for Able-Bodied Adults Without Dependents (ABAWDs), commonly referred to as the ABAWD time limit. On January 26, 2018, California Department of Social Services (CDSS) issued the CalFresh ABAWD Handbook Version 1.0 under the cover of All County Letter (ACL) 18-08. This ACL issues the CalFresh ABAWD Time Limit Handbook Version 2.0. The policy and guidance issued in this ACL supersedes ACL 18-08.



**KIM JOHNSON**  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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**GAVIN NEWSOM**  
GOVERNOR

September 12, 2019

ALL COUNTY LETTER NO. 19-93

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CALFRESH PROGRAM SPECIALISTS  
ALL CONSORTIA REPRESENTATIVES  
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH ABLE-BODIED ADULTS WITHOUT DEPENDENTS  
TIME LIMIT HANDBOOK VERSION 2.0

REFERENCE: 7 U.S.C. 2015 (o); UNITED STATES DEPARTMENT OF  
AGRICULTURE ADMINISTRATIVE NOTICES (USDA AN) 16-04,  
USDA AN 16-36, USDA AN 17-15, USDA AN 18-14, AND USDA  
AN 18-15; SENATE BILL (SB) 575 (CHAPTER 626, STATUTES  
OF 2017); TITLE 7 CODE OF FEDERAL REGULATIONS (CFR)  
273.24; CFR 273.7; MANUAL OF POLICIES AND PROCEDURES  
(MPP) SECTION 63-410; MPP SECTION 63-407; ALL COUNTY  
LETTERS (ACLs) 18-08, ACL 15-08, ACL 18-94, ACL 11-22, ACL  
16-24; ALL COUNTY INFORMATION NOTICE (ACIN) I-37-01,  
ACIN I-43-07, ACIN I-01-03, ACIN I-45-11 AND ACIN I-45-11E

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limited the receipt of Supplemental Nutrition Assistance Program (SNAP) benefits, known as CalFresh in California, to three full months in a 36-month period for Able-Bodied Adults Without Dependents (ABAWDs), commonly referred to as the ABAWD time limit. On January 26, 2018, CDSS issued the CalFresh ABAWD Handbook Version 1.0 under the cover of ACL 18-08. This ACL issues the CalFresh ABAWD Time Limit Handbook Version 2.0. The policy and guidance issued in this ACL supersedes guidance issued in ACL 18-08.

The policy guidance in this handbook is consistent with state and federal regulations and is based on section 6(o) of the Food and Nutrition Act of 2008 [7 U.S.C. 2015 (o)] and Title 7 of the CFR, part 273.24. State regulations governing the ABAWD time limit can be found in the CalFresh Manual of Policies and Procedures section 63-410. The handbook includes a general overview of the ABAWD time limit, guidance on ABAWD

exemptions, and how ABAWDs subject to the time limit may maintain CalFresh eligibility by satisfying the ABAWD work requirement. Additionally, the handbook addresses counting months of ABAWD participation, losing and regaining CalFresh eligibility, and the system California uses to track an ABAWD's eligibility and participation through the 36-month period. The handbook may be revised over time to include additional policy guidance and ABAWD resources.

The CalFresh ABAWD Time Limit Handbook Version 2.0 is consistent with CDSS' goals to maximize food benefits for eligible people, ensure accuracy and timeliness in benefit determinations, and to minimize the administrative burden on county workforce implementing the ABAWD time limit.

If you have any questions regarding this ACL, please contact the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

***Original Documents Signed By:***

ALI SUTTON  
Acting Deputy Director  
Family Engagement and Empowerment Division

**Attachment**

# **CALFRESH ABLE-BODIED ADULTS WITHOUT DEPENDENTS TIME LIMIT HANDBOOK VERSION 2.0**

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

SEPTEMBER 12, 2019

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## **I. General Overview of the ABAWD Time Limit**

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An Able-Bodied Adult Without Dependents (ABAWD) is a CalFresh recipient, age 18 through 49, who is able-bodied without dependent children and does not meet the criteria for an exemption from the ABAWD time limit. ABAWD eligibility for CalFresh is time limited to any three full months of benefits in a 36-month period unless the individual:

- Satisfies the ABAWD work requirement;
- Is exempt from the ABAWD time limit;
- Qualifies for an additional three consecutive month period of eligibility;
- Receives a percentage exemption; or
- Lives in a county or area with a waiver of the ABAWD time limit.

ABAWD cases are administratively complex and require additional effort on the part of the individual and the County Welfare Department (CWD) to maintain benefit eligibility. Many ABAWDs face significant barriers that limit their ability to find and maintain employment. Implementation of this policy requires adequate planning, substantial training, and careful consideration of business processes. This handbook provides CWDs and other stakeholders with policy guidance regarding the implementation and ongoing administration of the ABAWD time limit.

The policy guidance provided in this handbook is consistent with state and federal regulations, as well as federally issued Administrative Notices (AN) and policy memos received as of the date of publication.

### The 36-Month Period

The State can choose from several options when setting the 36-month period. California has implemented the “fixed statewide clock” option. Under this option, the 36-month period has the same beginning and end date in all 58 counties for all ABAWDs. See All County Information Notice (ACIN) I-88-16 for more information on the 36-month period and the fixed statewide clock.

The current fixed statewide clock began January 1, 2017 and will reset December 31, 2019. A new fixed statewide clock will begin on January 1, 2020.

### ABAWD Eligibility

ABAWDs subject to the time limit are limited to receiving three full countable months of benefits in a 36-month period. A countable month is any month in which an ABAWD, subject to the time limit, receives CalFresh benefits for the full month while not:

- Satisfying the ABAWD work requirement;
- Being exempt from the ABAWD time limit;
- Receiving a percentage exemption; or

- Living in a county or area with a waiver of the ABAWD time limit.

#### Losing and Regaining Eligibility

ABAWDs who lose eligibility because they did not satisfy the work requirement for three countable months, may subsequently regain eligibility if, during any period of 30 consecutive days, they:

- Satisfy the work requirement for at least 80 hours (averaged monthly);
- Move to a waived county or area; or
- Become exempt.

Individuals who regain eligibility by satisfying the ABAWD work requirement for a 30-day period and subsequently stop satisfying the work requirement a second time, may be eligible to receive CalFresh for an additional three consecutive month period. The additional three consecutive months are only available once during a 36-month period. After the additional three consecutive months of CalFresh have been granted, an ABAWD subject to the time limit must satisfy the work requirement every month thereafter to continue receiving CalFresh unless they become exempt, move to a waived county or area, or receive a percentage exemption.

The ABAWD time limit and corresponding requirements do not replace other CalFresh eligibility criteria. ABAWDs must continue to meet existing CalFresh eligibility criteria, including the CalFresh income limit.

#### CalFresh Employment and Training and Work Registration Policy

While policies regarding the ABAWD time limit, CalFresh Employment and Training (E&T), and CalFresh work registration are related, each are applied independently of one another. CalFresh E&T participants must follow corresponding program participation rules and non-exempt CalFresh household members between the ages of 16 through 59 are subject to the CalFresh work registration requirements, regardless of whether they are exempt from the ABAWD time limit. For more information on CalFresh work registration and E&T, see Section III of this handbook.

## **II. ABAWD Time Limit Waivers**

A county, multi-county region, area within a county, or an entire state can be approved for a waiver of the ABAWD time limit if it meets federally established criteria regarding high unemployment or lack of sufficient jobs. ABAWD waiver requests must be reviewed and approved by the United States Department of Agriculture, Food and Nutrition Service (FNS). Once it is determined which counties or regions qualify for a waiver of the ABAWD time limit, CDSS will submit a waiver request to FNS. When federal approval is obtained, CDSS publishes official correspondence identifying those counties or areas that are eligible for a waiver of the ABAWD time limit.

ABAWDs that live in a county or area with a waiver are not subject to the ABAWD time limit and are not required to satisfy the ABAWD work requirement but must continue to meet all other CalFresh eligibility criteria to receive benefits.

ABAWDs living in a county or area that becomes eligible for a waiver who were previously subject to the time limit and discontinued for failing to satisfy the ABAWD work requirement will become eligible and may receive CalFresh benefits, provided all other CalFresh eligibility criteria are met.

A waiver of the ABAWD time limit does not eliminate the category of recipients known as ABAWDs. A waiver only determines whether the time limit will be imposed. ABAWDs living in a county or area with a waiver are still considered ABAWDs. Additionally, a waiver of the ABAWD time limit does not impact CalFresh work registration. CalFresh recipients residing in a county or area with a waiver of the ABAWD time limit remain subject to the work registration requirements.

When completing the Non-Assistance CalFresh Work Registrants, Able-Bodied Adults without Dependents (ABAWD) and Employment and Training (E&T) Program Quarterly Statistical Report (STAT 47) report, CWDs must count all non-exempt ABAWDs regardless of waiver status. CWDs statewide are responsible for determining whether a CalFresh recipient is an ABAWD and if the individual would be subject to the ABAWD time limit.

A waiver of the ABAWD time limit also has no effect on CalFresh E&T requirements or disqualification rules for mandatory placements. CalFresh E&T is currently a voluntary option in all participating counties and disqualifications are not imposed for noncompliance with E&T requirements.

For additional information regarding waiver eligibility refer to FNS's [Guide to Supporting Requests to Waive the Time Limit for Able Bodied Adults without Dependents](#).

#### California Waiver Policies

CWDs are reminded of the following waiver policies:

- CWDs with a waiver of the ABAWD time limit must continue to report work registrant, ABAWD, and E&T data on the STAT 47 report. An updated report form and accompanying instructions were transmitted via [ACL No. 14-91](#). For purposes of completing the STAT 47, individuals who do not meet one of the ABAWD time limit exemptions at MPP Section 63-410.31 or MPP Section 63-410.32 are considered ABAWDs subject to the time limit even while residing in a county with a waiver
- Waiver counties must continue to apply disqualification requirements at MPP Section 63-408 [for](#) CalFresh work registrants who:



- Voluntarily quit a job of 30 hours or more per week or which provides weekly earnings equal to or greater than the federal minimum wage times 30, or
  - Reduce the weekly number of hours worked to less than 30 without good cause. If a CalFresh recipient voluntarily quits a job of less than 30 hours, no disqualification will be imposed.
- CWDs with a waiver must inform their ABAWD population that they are not subject to the time limit for those months in which they reside in the county, so long as the waiver is in effect.

### **III. CalFresh Work-Related Policies**

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There are three work-related CalFresh policy areas which are:

- CalFresh Work Registration;
- The ABAWD Time Limit; and
- CalFresh E&T.

#### CalFresh Work Registration

Federal rules at 7 CFR 273.7 and state regulations at MPP Section 63-407 establish work provisions for CalFresh. The general CalFresh work requirements are referred to as work registration and those who are subject to work registration are referred to as “work registrants”.

Per MPP Section 63-407.1, the CWD must register each non-exempt household member for employment at initial application and once every 12 months after initial registration as a condition of eligibility. CWDs are required to assume responsibility for the work registration process. As part of the application and recertification interview, the CWD must determine which individuals in the household are work registrants. Work registration status must be noted in the case record and entered into the eligibility system. Work registrants are not required to take additional steps to complete the work registration process.

#### *Work Registration Exemptions*

CalFresh work registration applies to individuals between the ages of 16 through 59, who do not meet the criteria for an exemption from the work requirements listed at 7 CFR 273.7(b) and MPP Section 63-407.21. Individuals are exempt from work registration if they are:

- a. Under 16 or over 59 years of age; a person age 16 or 17 who is not the head of household, who is attending school or is enrolled in an employment training program on at least a half-time basis, is also exempt from work registration.
- b. Physically or mentally unfit for employment;

- c. Subject to and complying with any work requirement under Title IV of the Social Security Act including California Work Opportunity and Responsibility to Kids (CalWORKs) programs;
- d. A parent of, or responsible for, the care of a dependent child under age 6 (note: the child does not have to be a member of the CalFresh household or living in the home);
- e. Responsible for the care of an incapacitated person (note: the incapacitated person does not have to be a member of the CalFresh household or living in the home);
- f. Applying for, or receiving, unemployment insurance benefits;
- g. A participant in a drug or alcohol treatment program;
- h. Employed or self-employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours; or
- i. Enrolled in a school, training program, or institution of higher education on at least a half time basis (students enrolled at least half time in an institution of higher education must meet student eligibility requirements).

*County Action on Changes Impacting Work Registration Status*

Individuals exempt from work registration at initial application remain exempt until their next recertification unless they experience a change that impacts their work registration status and that must be reported according to SAR reporting requirements at 7 CFR 273.12. In addition to recertification, SAR reporting requirements include the periodic report (SAR 7) and any applicable mandatory mid-period reports.

If a CalFresh recipient experiences a change in circumstances that impacts their work registration status and that is subject to SAR reporting requirements, the CWD must register the individual for employment within 10 days of the date the change is reported. At that time, the CWD must also determine if the individual is an ABAWD subject to the time limit. If it is determined that the individual is an ABAWD subject to the time limit, the CWD must inform the household of ABAWD time limit rules and reporting requirements and begin tracking the individual as an ABAWD subject to the time limit.

In addition to changes reported by the client, the county may receive information mid-period that is considered verified upon receipt (VUR). The CWD is required to take action on any information received that has been verified or is considered VUR. If the county receives information that is VUR and impacts an individual's work registration status, the CWD must take action to register the individual for employment within 10 days of the date the change is reported.

The work registration status of all CalFresh recipients must be reassessed at the household's recertification including those individuals who lose their exemption status due to a change in circumstances not subject to SAR reporting requirements.

Effective immediately, the 2018 Farm Bill requires CWDs to advise all work registrants with no earned income reported as of their last certification or required report of

available workforce opportunities, including E&T if available, within the county. Counties must inform work registrants of the availability of workforce opportunities at the time that they are registered for work. This can occur at initial application, periodic report, recertification, and in some instances, mid-period. An ACL regarding this new requirement will be issued under separate cover.

Work registrants may be informed of available employment services through methods including, but not limited to:

- Paper flyers;
- Online resources;
- Text-messaging; or
- Workforce partner referrals.

#### *Work Registrant Requirements*

Regulations at 7 CFR 273.7(a) and MPP Section 63-407.4 establish work registrant requirements. In order to meet the general CalFresh work requirements a work registrant must:

- Participate in mandatory E&T components if assigned by the CWD (note that CalFresh E&T is currently a voluntary program in all participating CWDs);
- Provide sufficient information to determine employment status or availability for work;
- Report to an employer when referred by the CWD or its designee;
- Accept a bona fide offer of suitable employment; and
- Not voluntarily quit a job of 30 or more hours a week or reduce work hours to fewer than 30 hours a week in accordance with MPP Section 63-408.

Under SAR there are no mandatory mid-period reporting requirements associated with work registration. The CWD may, however, receive information during the certification period that requires the county to determine if a work registrant has failed to comply with work registration requirements. Work registrants who voluntarily quit a job of 30 hours or more per week or that provides weekly earnings equal to or greater than the federal minimum wage times 30, or those that reduce the weekly number of hours worked to less than 30 without good cause may be subject to disqualification from CalFresh in accordance with MPP Section 63-408.

#### The ABAWD Time Limit

Federal rules at 7 CFR 273.24 and MPP Section 63-410 establish ABAWD time limit requirements. The ABAWD time limit requirements apply to individuals between the ages of 18 through 49, who are work registrants and do not meet the criteria for an exemption from the ABAWD time limit.

ABAWDs are a subset of CalFresh work registrants. ABAWDs subject to the time limit are work registrants who do not qualify for an exemption from the ABAWD time limit. A

complete list of exemptions from the ABAWD time limit can be found in Section IV of this handbook.

Because ABAWDs are a subset of work registrants, CWDs must determine work registration status prior to determining whether an individual is an exempt ABAWD or an ABAWD subject to the time limit. An individual who is determined exempt from work registration at initial application or recertification, by definition, is not an ABAWD. This is because they are not registered for work and therefore not a work registrant. Further, such individuals are not required to be screened for an exemption from the ABAWD time limit and are not informed of the ABAWD time limit rules or the mandatory ABAWD reporting requirements.

County Welfare Departments are required to inform all households that include an ABAWD and/or potential ABAWD of the time limit rules, work requirements, and exemption criteria. AN 17-15 defines a household that includes a potential ABAWD as a household that includes an individual who can be reasonably anticipated to become an ABAWD at some point within the certification period. A potential ABAWD household may include an individual who is turning 18 during the certification period or an individual who is anticipated to no longer qualify for an exemption from the time limit during the certification period.

Per AN 17-15, CWDs are also required to inform households that include an ABAWD and/or potential ABAWD of the mandatory ABAWD reporting requirements before imposing the time limit. For this reason, CWDs must accurately identify individuals who meet the definition of an ABAWD or a potential ABAWD. An individual cannot be considered an ABAWD, be subject to the time limit, or be required to make a mandatory mid-period report of a drop in ABAWD work hours until they have been informed of the ABAWD time limit rules. Individuals who are not informed of the ABAWD time limit rules (at initial certification, periodic report, or recertification) cannot be held accountable for reporting changes in their circumstances that may cause them to become subject to the time limit mid-period.

#### CalFresh Employment and Training

CalFresh E&T is intended to help participants gain skills, training, or experience that will increase their ability to obtain regular employment and become economically self-sufficient. In California, neither work registrants, nor ABAWDs are required to participate in E&T or other workforce opportunities as a condition of eligibility. ABAWDs subject to the time limit can, however, may use qualifying E&T components to voluntarily satisfy the ABAWD work requirement.

Qualifying E&T components include, but are not limited to:

- Workfare (including self-initiated and comparable);
- Work experience;
- On-the-Job Training;

- Education; and
- Vocational training.

#### **IV. ABAWD Time Limit Exemptions**

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Federal regulations at 7 CFR 273.24(c) allow certain individuals to be exempted from the ABAWD time limit. Individuals who meet the criteria for an exemption are not subject to the time limit and are not required to satisfy the work requirement to maintain CalFresh eligibility.

Individuals are exempt from the ABAWD time limit if they are:

1. Under 18 or over 49 years of age
2. Residing in a CalFresh household with a household member under age 18
3. Pregnant
4. Exempt from CalFresh work registration requirements, which includes any individual who is:
  - a. Under 16 or over 59 years of age; a person age 16 or 17 who is not the head of a household, who is attending school, or is enrolled in an employment training program on at least a half-time basis, is also exempt from work registration
  - b. Physically or mentally unfit for employment
  - c. Subject to and complying with any work requirement under Title IV of the Social Security Act including CalWORKs programs
  - d. A parent of or responsible for the care of a dependent child under age 6 (Note: the child does not have to be a CalFresh member or living in the home for this work registration exemption)
  - e. Responsible for the care of an incapacitated person (Note: the incapacitated person does not have to be a CalFresh household member or living in the home)
  - f. Has applied for or is receiving unemployment insurance benefits
  - g. A regular participant in a drug addiction or alcoholic treatment and rehabilitation program
  - h. Employed or self-employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours - Per FNS guidance, individuals who are earning weekly wages at least equal to the federal minimum wage multiplied by 30 hours are exempt from CalFresh work registration. The current federal minimum wage is \$7.25 per hour. \$7.25 per hour multiplied by 30 hours equals \$217.50. If an individual has gross weekly earnings equal to \$217.50 they are exempt from CalFresh work registration. Due to California's high minimum wage an individual may be working may be much less than 30 hours, but still exempt from work registration under this provision.

- i. Enrolled in a school, training program or institution of higher education on at least a half time basis (students enrolled at least half time in an institution of higher education must meet student eligibility requirements).
5. Medically certified as physically or mentally unfit to work (even if temporary) for one of the following reasons:
  - a. Applied/receiving temporary or permanent public or private disability benefits
  - b. Obviously unfit to work based on the CWD's observation. The following circumstances may indicate an obvious unfitness:
    1. Chronic homelessness
    2. Alcohol or drug addiction
    3. Domestic violence
  - c. Determined physically or mentally unfit to work by medical or other personnel deemed appropriate by the CWD.
6. Participating in an Office of Refugee Resettlement (ORR) training program for at least half time.

ABAWD Exemptions Defined:

**1. Under 18 or over 49 Years of Age:**

Individuals who are under 18 or over 49 years of age are not ABAWDs and are therefore not subject to the time limit. An individual is an ABAWD beginning the month after their 18<sup>th</sup> birthday. If the ABAWD is not otherwise exempt beginning the month after their 18<sup>th</sup> birthday they will be subject to the ABAWD time limit. An individual is no longer an ABAWD beginning the first day of the month of their 50<sup>th</sup> birthday.

*Verification:*

Information is known to the county.

**2. Residing in a CalFresh Household with a CalFresh Household Member under Age 18:**

Individuals who reside in a CalFresh household with a CalFresh household member under age 18 are exempt from the time limit.

- The individual is not required to be the parent of the child.
- The individual is not required to be responsible for the child.
- The child can be an ineligible member of the CalFresh household for any reason.
- The child can be temporarily absent from the home (no longer than 30 days).

For the purpose of an ABAWD exemption, per FNS guidance, household strictly means the CalFresh household as defined at 7 CFR 273.1(a). The term household does not mean a group of people residing in the same physical structure. The

phrase “the child can be an ineligible member of the CalFresh household for any reason” refers to a minor who would be a member of the CalFresh household, but who is ineligible to participate in CalFresh such as an ineligible non-citizen child or other circumstance as described in 7 CFR 273.1(b)(7).

*Verification:*

Information is known to the county.

**3. Pregnancy:**

Individuals at any stage of pregnancy are exempt from the time limit. The exemption is effective beginning the month of conception and applies until, and includes, the month of the child’s birth or until the individual is no longer pregnant.

*Verification:*

Client statement is sufficient, unless questionable. An individual must be allowed 10 days to provide verification if required.

**4. Exempt from CalFresh Work Registration:**

Individuals who are exempt from CalFresh work registration are exempt from the time limit. ABAWDs that are not exempt from CalFresh work registration requirements may need to satisfy the ABAWD work requirement. The term “may” is used because an individual who is not exempt from work registration may be exempt from the ABAWD time limit for other reasons. Work registration exemptions include any individual who is:

- a. Under 16 or over 59 years of age; a person age 16 or 17 who is not the head of a household, who is attending school, or is enrolled in an employment training program on at least a half-time basis, is also exempt from work registration.
- b. Physically or mentally unfit for employment
- c. Subject to and complying with any work requirement under Title IV of the Social Security Act including CalWORKs programs
- d. A parent of or responsible for the care of a dependent child under age 6 (Note: the child does not have to be a CalFresh member or living in the home for this work registration exemption)
- e. Responsible for the care of an incapacitated person (Note: the incapacitated person does not have to be a CalFresh household member or living in the home)
- f. Has applied for or is receiving unemployment insurance benefits
- g. A regular participant in a drug addiction or alcoholic treatment and rehabilitation program
- h. Employed or self-employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours - Per FNS guidance, individuals who are earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours are

exempt from CalFresh work registration. The current federal minimum wage is \$7.25 per hour. \$7.25 per hour multiplied by 30 hours equals \$217.50. If an individual has gross earnings greater than or equal to \$217.50 per week, they are exempt from CalFresh work registration. Due to California's high minimum wage this may be much less than the local minimum wage multiplied by 30 hours.

- i. Enrolled in a school, training program or institution of higher education on at least a half time basis (students enrolled at least half time in an institution of higher education must meet student eligibility requirements).

ABAWDs subject to the time limit must meet CalFresh work registration requirements including registering for work and not voluntarily quitting a job of 30 hours per week or more without good cause, as well as the ABAWD work requirement.

While work registration and ABAWD time limit policies are independent of one another, there is overlap in the criteria for determining an exemption from the time limit due to physical or mental unfitness to work. Physical or mental unfitness to work is an exemption from both CalFresh work registration and the ABAWD time limit. Physical and mental unfitness to work, however, is defined differently under CalFresh work registration and ABAWD time limit policy. An individual who does not meet the definition of physically or mentally unfit for work under work registration may be determined as physically or mentally unfit for work under ABAWD time limit rules.

#### CalFresh Work Registration: Physically or Mentally Unfit to Work

Federal regulations at 7 CFR 273.7(b)(1)(ii) exempt an individual who is physically or mentally unfit to work from work registration.

Under CalFresh work registration, the CWD may not use a definition of physically or mentally unfit to work that is less restrictive than the definition used for an exemption from participation in the CalWORKs Welfare-to-Work (WTW) Program. Per ACL 15-08, individuals who have a verified disability are exempt from WTW participation if the following conditions are met:

- The disability is expected to last at least 30 calendar days;
- The disability significantly impairs the individual's ability to be regularly employed or participate in WTW activities; and
- The individual is actively seeking appropriate medical treatment.

In addition to utilizing a comparable definition of physically or mentally unfit to work as CalWORKs WTW, the CWD must also obtain verification that is comparable to CalWORKs WTW. For this reason, verification of physical or mental unfitness for exemption from work registration must:



- Identify the existence of a disability;
- Include the expected duration of the disability; and
- Include the extent to which the disability impairs the individual's ability to be employed or participate in program requirements.

When verification is received, the individual is exempt from CalFresh work registration as physically or mentally unfit to work and therefore not considered an ABAWD.

*Verification:*

Includes but is not limited to documentary evidence, collateral contacts, or other forms of verification. The CW 2200 must be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

**5. Medically Certified as Physically or Mentally Unfit to Work:**

Individuals who are medically certified as physically or mentally unfit to work are exempt from the ABAWD time limit. Being medically certified as physically or mentally unfit to work under ABAWD time limit rules is a broader exemption than being disabled. An individual is considered medically certified as physically or mentally unfit to work if they have a temporary or permanent illness, disability, condition, or life circumstance that reduces or affects their ability to work.

The definition of physically or mentally unfit to work to exempt an individual from the ABAWD time limit is not as limited as the definition of disability used to determine CalFresh eligibility. It also differs from the definition of unfit for work under CalFresh work registration. The ABAWD definition is broader and thus covers more individuals than both the general CalFresh disability and work registration definitions.

The physical or mental condition must make an individual unfit to work 20 hours per week on an ongoing basis, not unfit to work at all. This includes individuals who might be able to work a few hours per week, but cannot work half-time to full-time. Under the ABAWD time limit, an individual is considered medically certified as physically or mentally unfit for work if they meet any of the following criteria:

*a. Applied for/Receiving Temporary or Permanent Public or Private Disability Benefits*

Individuals who have applied for or are receiving temporary or permanent public or private disability benefits are exempt from the ABAWD time limit. An individual may provide proof of receipt or pending application for temporary or permanent disability benefits from governmental or private sources, including but not limited to:

- Veteran's disability benefits (any rating of disability)\*
- Workers compensation
- Supplemental Security Income (SSI)
- State-issued temporary or permanent disability benefits

\*Per FNS guidance, an individual receiving any disability benefit from the U.S. Department of Veteran's Affairs (VA) is unfit to work for the purpose of exempting an individual from the ABAWD time limit. The VA assigns a percentage disability rating, but recipients with any rating meet the threshold for exemption from the time limit.

*Verification:*

Requesting additional verification is not required if information regarding an application or receipt of the disability benefit is known to the county. For example, if the information is available in the Medi-Cal Eligibility Data System (MEDS) additional verification is not necessary or required. If this information is not known to the county, the CWD may request proof of receipt or pending application for disability benefits. The CW 2200 must be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

*b. Obviously Physically or Mentally Unfit to Work*

Individuals who are obviously physically or mentally unfit to work are exempt from the ABAWD time limit. The CWD must determine if an individual meets the definition of obviously unfit to work when the individual attends an in-person or telephone interview.

The CWD must conduct an evaluation of each individual to determine if they are obviously unfit to work. To determine obvious unfitness, a discussion of the individual's inability to work or participate in work activities for more than 20 hours per week on an ongoing basis is required. The discussion should focus on the physical and/or mental challenges that affect or impact the individual's ability to work. If, during the interview, it is obvious the individual is likely to be unable to work or participate in a qualifying work activity for at least 20 hours per week or 80 hours averaged monthly, the individual must be determined exempt from the ABAWD time limit as obviously unfit to work.

*Verification:*

Eligibility worker observation is the only required verification when the reason for the unfitness is obvious. The determination must be documented in the case record. EWs must notate the phrase "Unfit for work due to medical reasons" in the case record. This narration is adequate for unfitness to work related to either a physical or mental health reason.

No further information is necessary and additional verification is not required. When the reason for the unfitness is obvious, the EW must exempt the individual from the ABAWD time limit and must not request additional verification.

Federal regulations at 7 CFR 273.24(c)(2)(ii) allow for this flexibility to prevent placing an unnecessary burden on individuals who are clearly unfit for employment.

It is important to note that medical information that is safeguarded under the Health Insurance Portability and Accountability Act (HIPAA), must not be included in the case narration.

Indicators of Obvious Unfitness to Work: Chronic Homelessness, Struggling with Drugs or Alcohol, and Victims of Domestic Violence

ABAWDs who meet the definition of chronic homelessness, are struggling with drugs or alcohol, or are experiencing domestic violence as defined below, are not automatically exempt from the time limit. These are indicators that an individual may be obviously unfit to work, but are not exemptions in and of themselves.

When any of these indicators are present, the CWD must further explore the individual's fitness to work. To be exempt, the individual's unfitness to work must be associated with a physical or mental illness or condition that prevents them from obtaining or maintaining employment of at least 20 hours per week or 80 hours averaged monthly.

*Chronic Homelessness*

Chronic homelessness may indicate that an individual is obviously unfit for work. Not all homeless individuals are considered chronically homeless and not all homeless or chronically homeless individuals are considered unfit for work.

Currently, an individual is considered homeless for purpose of determining CalFresh eligibility if they do not have a fixed or regular nighttime residence or if their primary residence is:

- A supervised shelter designed to provide temporary accommodations;
- A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- A temporary accommodation in the residence of another individual for no more than 90 days; or
- A place not designed for, or ordinarily used, as a regular sleeping accommodation (e.g. a hallway, a bus station, a lobby or similar places).

The following case information may be referenced as evidence that an individual is homeless under the CalFresh definition:

- The homeless individual is coded as living in a homeless shelter and/or identifies the address of that shelter or homeless day program as their residential or mailing address for CalFresh purposes.
- The homeless individual is coded as receiving the "Homeless Shelter Deduction" in their CalFresh benefit calculation.
- The homeless individual has been determined eligible for the Restaurant Meals Program (RMP).

An individual is considered *chronically* homeless if they meet the CalFresh definition of homeless and if the individual:

- a. Has been homeless for six months or more;
- b. Has been homeless more than one time in the last year; or
- c. States they are unable to meet their basic needs. Basic needs include, but are not limited to: adequate shelter, heating and cooling, electricity, running water, food, and clothing.

Based on clarification received from FNS, individuals meeting the CalFresh definition of chronic homelessness are not automatically exempt from the ABAWD time limit. Individuals who meet the definition of chronic homelessness must be further screened for an exemption from the ABAWD time limit to determine whether an obvious physical or mental unfitness for work is present. The homelessness must be associated with a physical or mental condition to exempt the individual from the time limit.

Note: Even if an individual does not meet the definition of chronic homelessness, they must still be further screened for an obvious unfitness to work exemption.

*Verification:*

The CWD must evaluate the individual's circumstances to determine if there is an obvious physical or mental unfitness associated with chronic homelessness. There must be a physical or mental condition that prevents them from working at least 20 hours per week, or 80 hours averaged monthly.

Eligibility worker observation is the only required verification when the reason for the unfitness is obvious. The determination must be documented in the case record. The EW must not list chronic homelessness as the reason for the exemption. EWs must notate the phrase "Unfit for work due to medical reasons" in the case record. This narration is adequate for unfitness to work related to either a physical or mental health reason.

No further information is necessary and additional verification is not required. When the reason for the unfitness is obvious, the EW must exempt the individual from the ABAWD time limit and must not request additional verification.

The CW 2200 must be used to request verification if the unfitness is not obvious to the EW. The individual must be allowed 10 days to provide the necessary verification if required.

*Struggling with Drug or Alcohol Addiction*

The CWD may exempt an individual as obviously unfit to work if the person is struggling with drug or alcohol addiction. The CWD must determine if there is an

underlying physical or mental condition that prevents them from working at least 20 hours per week, or 80 hours averaged monthly. Struggling with drugs or alcohol by itself is not an exemption from the ABAWD time limit. For the purpose of exempting an individual from the ABAWD time limit, struggling with drug or alcohol addiction is defined as, but not limited to, participating in a drug addiction or alcohol treatment/rehabilitation program. Individuals who are not participating in a treatment/rehabilitation program, but are dependent on drugs or alcohol to maintain day to day functioning may also be considered struggling with addiction.

*Verification:*

The EW must evaluate the individual's circumstances to determine if there is an obvious physical or mental unfitness associated with drug or alcohol addiction that prevents them from working at least 20 hours per week, or 80 hours averaged monthly. There must be a physical or mental condition that prevents them from working at least 20 hours per week, or 80 hours averaged monthly.

Eligibility worker observation is the only required verification when the reason for the unfitness is obvious. The determination must be documented in the case record. The EW must not list struggling with drug or alcohol addiction as the reason for the exemption. EWs must notate the phrase "Unfit for work due to medical reasons" in the case record. This narration is adequate for unfitness to work related to either a physical or mental health reason.

No further information is necessary and additional verification is not required. When the reason for the unfitness is obvious, the EW must exempt the individual from the ABAWD time limit and must not request additional verification.

The CW 2200 must be used to request verification if the unfitness is not obvious to the EW. The individual must be allowed 10 days to provide the necessary verification if required.

*Victims of Domestic Violence*

An experience of domestic violence may indicate an obvious unfitness to work, exempting an individual from the ABAWD time limit. The CWD must determine if an underlying physical or mental condition prevents the individual from working at least 20 hours per week, or 80 hours averaged monthly. A victim of domestic violence is defined as an individual who is fleeing from or has experienced any type of assaultive, coercive or battering behavior occurring within a domestic relationship.

Domestic violence behavior includes, but is not limited to, one or more of the following:

- Physical abuse
- Sexual abuse
- Psychological, emotional, and verbal abuse
- Intimidation, threats, or behavior that puts the individual in fear of their safety

- Isolation
- Economic control
- Stalking
- Neglect or deprivation of medical care
- Destruction of property or pets

A domestic relationship is defined as:

- Adults or minors who are current or former spouses
- Adults or minors who live together or have lived together
- Adults or minors who are dating or have dated
- Adults or minors who are engaged in or have engaged in sexual relations
- Adults or minors who are related by blood or adoption
- Adults or minors who are related or formerly related by marriage
- Persons who have a child in common
- Adults or minors who are engaged or were formerly engaged to be married
- Adults or minors engaged in same-sex relationships
- Adult or minor children of persons listed above
- Adults or minors acting in concert with or on behalf of someone identified above

Definitions can be found at MPP Section 42-701.2(d) and Welfare & Institutions Code Section 11495.12.

*Verification:*

The CWD must evaluate the individual's circumstances to determine if there is an obvious physical or mental unfitness associated with an experience of domestic violence. There must be a physical or mental condition that prevents them from working at least 20 hours per week, or 80 hours averaged monthly.

Eligibility worker observation is the only required verification when the reason for the unfitness is obvious. The determination must be documented in the case record. The EW must not list domestic violence as the reason for the exemption. EWs must notate the phrase "Unfit for work due to medical reasons" in the case record. This narration is adequate for unfitness to work related to either a physical or mental health reason.

No further information is necessary and additional verification is not required. When the reason for the unfitness is obvious, the EW must exempt the individual from the ABAWD time limit and must not request additional verification.

The CW 2200 must be used to request verification if the unfitness is not obvious to the EW. The individual must be allowed 10 days to provide the necessary verification if required.

*c. Determined Physically or Mentally Unfit to Work by Medical Personnel*

In some cases, the reason for being unfit to work will not be obvious to the EW. In situations where the unfitness is not obvious, the EW may request the individual provide verification of the unfitness from a medical or mental health professional. The EW must explain to the individual how they can provide verification of their condition or circumstance and assist if necessary. Verification should address the anticipated duration of the unfitness for work.

Qualified medical or mental health professionals include, but are not limited to, any of the following: Audiologist, dentist, drug and/or alcohol abuse counselor, mental health counselor, midwife, nurse practitioner, occupational therapist, optometrist, orthodontist, osteopath, physical therapist, physician's assistant, podiatrist, social worker, etc.

*Verification:*

A verification form or written statement completed by a medical or mental health professional is adequate proof of a physical or mental health condition. Similar documentation for another program (e.g., Medi-Cal, General Relief, etc.) included in the case record may also be used as verification. Additionally, the verbal statement of a medical or mental health professional may suffice as verification as long as the EW properly documents in the case record that verbal verification was provided.

Applicants and recipients who will need to secure verification from a medical or mental health professional, should be informed of their right, pursuant to Health and Safety Code Section 123110(d)(1), to have free access to their medical records when applying for CalFresh.

If written or verbal verification from a medical or mental health professional is unavailable or insufficient, CWDs must make every attempt to verify the unfitness to work using an acceptable collateral contact. CWDs may follow the regulations at 7 CFR 273.2(f)(4)(ii) on collateral contacts in determining an individual's unfitness to work. Additionally, the CW 2200 or CW 61 may be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

**6. Participating in an Office of Refugee Resettlement Training Program**

Participation in an Office of Refugee Resettlement (ORR) training program for at least half-time exempts an individual (not only Cuban/Haitian entrants and refugees) from the ABAWD time limit, as long as the person participating in the ORR program is otherwise eligible for CalFresh. Such persons must also satisfy CalFresh citizenship status requirements.

*Verification:*

Documentary evidence or written statement from the ORR training program is sufficient verification. The CWD may also verify participation in an ORR training program using an acceptable collateral contact. CWDs may follow regulations at 7 CFR 273.2(f)(4)(ii) when utilizing a collateral contact. Additionally, the CW 2200 must be used to request verification and the individual must be allowed 10 days to provide the necessary verification if required.

#### Length of Exemptions: Permanent vs. Temporary

When the condition or life circumstance that qualifies an individual for an exemption is expected to be long-term or permanent, the individual will be exempt from the ABAWD time limit through the length of their certification period. When the condition or life circumstance that qualifies an individual for an exemption is considered temporary, the individual will be exempt until their next periodic report (i.e. SAR 7) or recertification, whichever occurs first unless verification is received that specifies an expected end date for the exemption reason (which may be before the next periodic report or recertification).

If a temporary exemption ends during the certification period, the individual will become subject to the ABAWD time limit unless the individual:

- Becomes otherwise exempt;
- Is granted a percentage exemption; or
- Lives in a county or area where the ABAWD time limit is waived.

The month in which an exemption ends must not be considered a countable month if the individual qualified for an exemption for any part of the month.

#### ABAWD Exemption Verification Reference Chart

The chart below provides a quick reference regarding exemption criteria and corresponding verification requirements.

	<b>ABAWD Exemption Criteria</b>	<b>Verification</b>
1.	Under 18 or over 49 years of age	Information is known to county.
2.	Residing in a CalFresh household with a member under Age 18	Information is known to county.
3.	Pregnant	Client statement. If questionable request a written or verbal statement from medical personnel.
4.	Exempt from Work Registration	Work registration instructions can be found in 7 CFR 273.7(b) and <u>ACIN I-01-13</u> .
5.	Medically Certified as Physically or Mentally Unfit to Work	a. <u>Applied for or receiving public or private disability benefits</u> Evidence of receipt or pending



	ABAWD Exemption Criteria	Verification
		<p>application for disability benefits if information is not known to the county.</p> <p>b. <u>Obviously Unfit to Work</u> EW observation documented in the case file.</p> <p>c. <u>Determined physically or mentally unfit to work by medical or other personnel</u> Existing documentary evidence. Written statement provided by medical or mental health personnel. Verbal statement provided by medical or mental health personnel and documented in the case file. Collateral contact.</p>
6.	Participating in an ORR training program at least half-time	Documentary evidence or written statement from the ORR training program is sufficient verification. CWDs may also verify participation in an ORR training program using an acceptable collateral contact.

Note: Information on CalFresh verification requirements may be found in ACIN I-45-11 and ACIN I-45-11E.

## V. Satisfying the ABAWD Work Requirement

ABAWDs who do not qualify for an exemption or live in a waived area are subject to the time limit and must satisfy the work requirement to maintain CalFresh eligibility for more than three countable months within the 36-month period. There are multiple ways an ABAWD can satisfy the work requirement. Options include, but are not limited to:

### A. Employment

Employment for at least 20 hours per week (or 80 hours averaged monthly) satisfies the work requirement. For the purpose of this provision, 20 hours per week averaged monthly must total at least 80 hours per month. Allowable employment includes paid employment, self-employment, and in-kind work (i.e. work in exchange for goods and/or services).

ABAWDs satisfying the work requirement through self-employment must provide verification of total hours worked. Self-attestation of work hours is not acceptable verification. Self-employment hours may be verified through business records,

written statements from individuals or organizations to which they provide service, or an acceptable collateral contact. If total hours worked in self-employment cannot be verified through documentary evidence or an acceptable collateral contact, the CWD may use the individual's self-employment income to calculate the total hours.

Self-employment income should only be used as a means of calculating ABAWD work hours when no other verification source is available. To calculate the total number of hours worked using self-employment income, the CWD must complete the following:

1. Subtract any applicable deductions from the gross self-employment income.
2. Divide the adjusted income amount by the higher of the state or local minimum wage associated with the individual's residence address.

Employment hours may be combined with other allowable work activities described in this section to satisfy the work requirement for 20 hours per week (or 80 hours averaged monthly).

## B. Qualifying Work Activities

Participating in an allowable work activity, or combination of allowable work activities, for at least 20 hours per week (or 80 hours averaged monthly), satisfies the work requirement. An allowable work activity includes one or more of the following:

### 1. CalFresh E&T

E&T components that satisfy the work requirement are referred to as qualifying activities. E&T components that do not satisfy the work requirement are referred to as non-qualifying activities. Qualifying E&T activities consist of workfare, work experience, self-initiated workfare, education, and vocational training. Except as specified below, non-qualifying E&T activities consist of stand-alone job club and job search components.

Hours spent in job search offered in combination with another E&T component will count toward the ABAWD work requirement provided time in job search constitutes less than half of the combined total (up to 9 hours per week, averaged monthly). An exception is E&T stand-alone job search activities of 20 hours per week, delivered through Workforce Innovation and Opportunity Act (WIOA), which satisfies the 20 hour ABAWD work requirement.

Various E&T components may be combined to reach the 20 hour per week minimum along with any hours worked in paid employment or in other qualifying work activities. For example, an individual could satisfy the work requirement by working 15 hours per week in paid employment and participating in a qualifying E&T activity five hours per week.

2. A program under the Workforce Innovation and Opportunity Act (WIOA).

WIOA programs include job search, occupational skills training, on-the-job training, job readiness training, and adult education and literacy activities.

3. A program under Section 236 of the Trade Act of 1974

The Trade Act applies to workers identified by the Employment Development Department (EDD) as adversely affected by the U.S. trade agreements, e.g., the North American Free Trade Agreement. The Trade Act provides training services to adversely affected workers – through participation in programs that are subject to approval by the Secretary of the U.S. Department of Labor. These programs include job search, job club, on-the-job training, WIOA training, or a program of remedial education.

4. Community Service or Volunteer Work

ABAWDs may elect to do community service or volunteer work to satisfy the ABAWD work requirement. The individual must complete 20 hours per week (80 hours averaged monthly) of community service or volunteer work. Community service or volunteer work hours can be combined with another qualifying work activity to satisfy the work requirement.

In order to verify community services or volunteer work, the ABAWD must complete the *Community Service Verification* form or similar verification form. The form must indicate the number of community service or volunteer hours completed and must be signed by a representative of the organization for whom the ABAWD worked. If the ABAWD is unable to secure such a form, the CWD may also accept the verbal statement of a representative of the organization for whom the ABAWD worked.

#### C. Workfare

Workfare is unpaid work offered through CalFresh E&T or other county programs in which ABAWDs can satisfy the work requirement. The primary goal of workfare is to provide increased opportunities for ABAWDs to satisfy the work requirement, improve employability, and support ABAWDs in moving into regular employment.

The work requirement may be satisfied through participation in various types of workfare. These may include CalFresh E&T workfare, self-initiated E&T workfare, E&T work experience components, as well as non-E&T workfare activities administered or overseen by the CWD. Non-E&T workfare programs are described in 7 CFR 273.7(m) and include optional workfare, volunteer workfare, and

comparable workfare. Comparable workfare programs include general assistance (GA) workfare components that are not part of CalFresh E&T.

The requirement to work 20 hours per week (80 hours averaged monthly) to satisfy the ABAWD work requirement does not apply to workfare. For any workfare option, the number of required hours is determined by dividing the household's CalFresh allotment by the higher of the state, city, or county minimum wage. When determining workfare hours, the CWD may use the highest minimum wage associated with the individual's residence address. Additionally, workfare cannot be combined with any other program to satisfy the 20 hours per week (80 hours averaged monthly) work requirement. When calculating workfare hours, the CWD must round down to the nearest hour.

Example: Sam is an ABAWD subject to the time limit. He is assigned to a workfare program through his county's CalFresh E&T program. Sam's monthly CalFresh allotment is \$150. The current minimum wage in California is \$12.00 per hour. The county calculates Sam's required number of workfare hours by dividing his CalFresh allotment of \$150 by the state minimum wage of \$12.00. The total number of required hours is equal to 12 hours per month ( $\$150 \text{ CalFresh benefit} \div \$12.00/\text{hour minimum wage} = 12.5 \text{ rounded down to 12 hours of workfare per month}$ ).

Additionally, as part of E&T workfare, counties may establish a job search period of up to 30 days prior to assigning an ABAWD to a workfare site. Participation in the 30-day job search activity is considered part of workfare and satisfies the ABAWD work requirement for that initial month.

The number of workfare hours required to satisfy the work requirement applies to the entire CalFresh household. If more than one member of a CalFresh household is an ABAWD subject to the time limit participating in workfare, each participant may participate for a portion of the number of workfare hours required for that household. ABAWDs placed in workfare or work experience may volunteer to participate for additional hours beyond those determined to be required using the minimum wage calculation, but they are not required to do so in order to maintain benefits.

ABAWDs subject to the time limit who are members of the same household may split the required workfare hours in any combination or a single ABAWD subject to the time limit may complete the total required hours on behalf of the household. The household must complete the total number of required workfare hours by the end of the month regardless of the combination.

Example: Glen and Maggie are a 2-person household and are both ABAWDs subject to the time limit. They volunteer to participate in a workfare program through the county CalFresh E&T program. Glen and Maggie's monthly CalFresh allotment is \$300. The current minimum wage in California is \$12.00

per hour. The county calculates the household's required number of workfare hours by dividing the household CalFresh allotment of \$300 by the state minimum wage of \$12.00. The total number of required workfare hours is equal to 25 hours per month ( $\$300 \text{ CalFresh benefit} \div \$12.00/\text{hour minimum wage} = 25 \text{ hours of workfare per month}$ ). Glen and Maggie share the responsibility of completing these hours. Glen participates in 15 hours of workfare and Maggie participates in 10 hours of workfare and have both satisfied the ABAWD work requirement for the month.

Note: ABAWDs satisfying the work requirement through participation in a county GA/GR work program may be required to continue participating in the program as a condition of eligibility for GA/GR cash assistance even if they become exempt from the ABAWD time limit.

### Comparable Workfare

Counties may establish comparable workfare programs for the purpose of providing ABAWDs subject to the time limit a means of satisfying the ABAWD work requirement to maintain eligibility for CalFresh. Comparable workfare consists of non-CalFresh E&T activities such as General Assistance (GA) workfare and self-initiated workfare.

Per 7 CFR 273.7(m)(9) CWDs desiring to operate a comparable workfare program must meet the following conditions:

- The maximum number of hours an individual can work per week in a comparable workfare activity, combined with the hours of participation in any other workfare program, must not exceed 30 hours;
- Participants must not receive a fourth month of benefits (the first month for which they would not be eligible under the time limit) without having secured a workfare position or without having met their workfare obligation. Participation must be verified timely to prevent issuance of a month's benefits for which the required work obligation is not met;
- The CWD that offers this option must maintain records to support the issuance of benefits to comparable workfare participants beyond the third month of eligibility.

### *Comparable Workfare Site Criteria*

For a site to be considered allowable as a comparable workfare site, the organization must be a private or public non-profit agency in a public service capacity and must be approved by the CWD. A CWD is not required to have an E&T program to allow comparable workfare options for ABAWDs. Furthermore, a contractual agreement between the organization and the CWD is not required.

Comparable workfare sites cannot replace or prevent the employment of regular employees and must provide the same benefits and working conditions provided to regular employees performing comparable work for comparable hours. Those benefits and conditions include liability insurance, workers' compensation, or benefits related to

the actual work performed and not to the employment by a particular agency, such as health benefits. In addition, the health and safety standards as described in section 2(a)(3) of the Service Contract Act of 1965 (Public Law 89-286), must be met, in order to be approved as a comparable workfare site.

The total hours required for comparable workfare activities are calculated in the same manner as county operated workfare options. Additional information on comparable workfare will be released under separate cover.

#### Good Cause for Failure to Satisfy the Work Requirement

ABAWDs subject to the time limit who would have satisfied the ABAWD work requirement through a qualifying work activity or workfare, but did not do so for reasons outside of their control may be granted good cause. Good cause must be determined on a case by case basis. The month in which good cause is applied must not be considered a countable month even though the ABAWD did not satisfy the work requirement for 20 hours per week (80 hours averaged monthly).

Good cause includes, but is not limited to:

- Illness;
- Illness of another household member requiring the presence of the ABAWD;
- A household emergency;
- A declaration of disaster; or
- Lack of transportation.

Good cause provisions can be found at MPP Section 63-410.221 and MPP Section 63-407.51.

Note: The CWD must thoroughly document the reason for the good cause determination in the case record. Verification is not required.

## **VI. Percentage Exemptions**

Federal law provides that each state be allotted a number of individual exemptions equal to a percentage of the state's annual SNAP caseload that is subject to the ABAWD time limit. These individual exemptions, previously known as 15 percent exemptions, will now be referred to as percentage exemptions.

Effective FFY 2020, the Agriculture Improvement Act of 2018 reduces the number of percentage exemptions from 15 percent of covered individuals to 12 percent of covered individuals. CDSS will continue to release annual correspondence informing counties of their percentage exemption allocation.

Percentage exemptions allow CWDs to extend CalFresh eligibility to ABAWDs who would otherwise be ineligible. Each percentage exemption is equal to one full month of CalFresh eligibility for one ABAWD. Only states who do not qualify for a statewide waiver of the

ABAWD time limit accrue percentage exemptions and the number of accrued exemptions is based only on the portion of the SNAP caseload that is subject to the time limit.

The percentage exemption is only available to individuals at risk of losing federal SNAP benefits due to not satisfying the work requirement. Individuals receiving benefits under CFAP are not eligible to receive a federal percentage exemption. For more information on percentage exemptions available for CFAP recipients, see Section XIV of this handbook.

### State and County Allocation

FNS determines the annual number of percentage exemptions that are allocated to each state. CDSS then allocates percentage exemptions among counties via an annual ACIN. Each county's allocation will be based on the estimated number of ABAWDs subject to the time limit in the county. The estimated number of ABAWDs subject to the time limit is based on data submitted via the quarterly STAT 47 report.

### California's 1,2,3 Approach

The CDSS, in partnership with stakeholders, has developed the "1,2,3 Approach" to serving ABAWDs. This approach provides a framework for overall implementation of the ABAWD time limit and plays a critical role in the allocation of percentage exemptions. The 1,2,3 Approach first emphasizes effectively screening for ABAWD time limit exemptions and second engaging ABAWDs subject to the time limit in additional work or qualifying activities, before providing a percentage exemption.

#### *1. Assess: Effectively Screen for Exemptions*

Because ABAWDs may face barriers to employment, a portion of the ABAWD population may be exempt from the time limit. Counties must properly screen all ABAWDs for an exemption from the ABAWD time limit at application, periodic report, and recertification. CWDs should utilize information already available in the case record and conduct individual evaluations to determine if an individual meets the criteria for an exemption from the ABAWD time limit. For more information on ABAWD time limit exemptions, refer to Section IV.

#### *2. Engage: Engage ABAWDs to Find Additional Work or Participate in Qualifying Work Activities*

If it is determined that an ABAWD does not meet the criteria for an exemption from the ABAWD time limit and is not currently satisfying the ABAWD work requirement, the CWD should engage the ABAWD to support them in finding additional work and/or participating in qualifying work activities. Engagement may include a referral to local workforce partners, such as Americas Job Centers of California (AJCC), CalFresh E&T, volunteer opportunities, or other training and education programs. The CWD may send the individual additional information by mail or contact the individual via phone or electronic means to encourage them to contact the county for assistance in satisfying the ABAWD work requirement. For more information on ways to satisfy the ABAWD work requirement, refer to

Section V.

3. *Support: Support ABAWDs in Maintaining CalFresh Food Assistance.*

Prior to discontinuance, when an individual does not qualify for an exemption from the ABAWD time limit, is not satisfying the ABAWD work requirement, and has used their countable months for food assistance, the county may provide a percentage exemption to maintain food assistance, if the individual meets additional criteria as determined by each county. Use of a percentage exemption may allow individuals and counties additional time to engage in additional work or qualifying work activities.

Percentage Exemption Allocation Guidelines

To maximize utilization, CDSS has established statewide guidelines regarding the allocation of percentage exemptions to ABAWDs. These criteria will guide the use of percentage exemptions at the local level.

ABAWDs are not eligible to receive a percentage exemption under the criteria below until they have exhausted their three countable months of benefits for the current 36-month period. Additionally, percentage exemptions may not be used to regain eligibility for CalFresh.

To prevent overutilization, CDSS recommends limiting the distribution of percentage exemptions to three per individual ABAWD per 36-month period. The recommended statewide percentage exemption criteria include:

1. Overissuance/Error Protection

Percentage exemptions may be granted to individuals who were inadvertently issued CalFresh benefits after exhausting their three countable months and who not satisfy the work requirement or qualify for an exemption in the month that the CalFresh benefits were issued.

For example, an ABAWD subject to the time limit who has exhausted their three countable months must make a required mid-period report of a drop in work hours within 10 days of the date the change became known to their household. If the drop-in work hours are reported *after* CalFresh benefits have already been issued for the month in which they were ineligible for benefits, the CWD may assign a percentage exemption, rather than establish an overissuance.

2. Eligibility Extension for ABAWDs Making an Effort to Work

Percentage exemptions may be granted to ABAWDs subject to the time limit who make an effort to satisfy the work requirement, but fall short on the number of required hours. For example, a percentage exemption may be provided to an ABAWD who worked 10-19 hours in a week (40 – 79 hours in a month), but fell short of the 20 hours per week (80 hours averaged monthly) requirement.



3. Special circumstances.

The CWD may provide a percentage exemption to ABAWDs experiencing one of the following.

a. Re-entry/Probation/Criminal Record:

Percentage exemptions may be granted to ABAWDs subject to the time limit who are re-entering the community from prison or jail, who are completing probation, or who have a criminal record and as a result may experience unique challenges in securing employment or satisfying the work requirement.

b. Seasonally Employed:

Percentage exemptions may be granted to ABAWDs subject to the time limit who were employed on a short-term or seasonal basis. For example, retail workers hired for the holiday season, employees hired during tax season, seasonal agricultural workers, etc.

c. Dependent Child Ages Out:

Percentage exemptions may be granted to ABAWDs subject to the time limit who were previously exempt from the ABAWD time limit due to living in a household with a child under age 18. The ABAWD, who was previously exempt, may become subject to the time limit mid-period when the child turns 18. This can also be applied to the dependent child who, upon turning 18 mid-period, may become subject to the time limit.

d. Former Foster Youth:

Percentage exemptions may be granted to ABAWDs subject to the time limit who recently aged out of foster care. Due to the implementation of extended foster care in California, this may occur anytime from the foster youth's 18<sup>th</sup> to 21<sup>st</sup> birthday.

e. Family Reunification:

Percentage exemptions may be granted to ABAWDs subject to the time limit who are engaging in a family reunification program after having children temporarily removed from the home for more than 30 days.

f. Exonerated Persons:

SB 1050 (Chapter 979, Statutes of 2018) requires individuals who have been exonerated of a conviction of a crime be given priority for receipt of percentage exemptions. See ACL 19-09 for more information on the prioritization of percentage exemptions for exonerated persons.

Note: If an ABAWD subject to the time limit is close to no longer being considered an ABAWD subject to the time limit (i.e. due to age) a percentage exemption may be applied to reduce administrative work load and prevent churn. For example, the month

before the individual's 50<sup>th</sup> birthday or the month before a baby who will be a member of the household is born to an ABAWD father.

Federal law allows broad discretion in determining how a percentage exemption is allocated to an individual ABAWD. The recommended statewide percentage exemption criteria outlined above are intended to guide CWDs in applying percentage exemptions strategically to maximize utilization. There is no set policy limiting the number of percentage exemptions an ABAWD can receive, nor the circumstances under which they may be provided. Each county has discretion in determining the criteria for when percentage exemptions will be provided to ABAWDs as well as the amount of percentage exemptions an ABAWD may receive. County criteria may be based on the unique characteristics of the caseload in that county. Counties are encouraged to develop local policy guidance and staff training that clearly communicate local criteria and supports utilization of percentage exemptions allocated to the county.

#### Tracking Use of Percentage Exemptions

CWDs are required to accurately track the number of percentage exemptions that have been allocated to avoid under or overutilization. Utilization is tracked via the quarterly STAT 47 Report - Part I, Entry 3. The number of “ABAWDs exempt under the 15 percent criteria during the quarter” is a duplicate count reported by each county who does not have a time limit waiver. This is a duplicate count because each CWD must count each percentage exemption granted per month in a quarter and an individual ABAWD may receive a percentage exemption for multiple months in a quarter. Note that the STAT 47 will be updated to reflect the change from 15 percent exemption to percentage exemption and released under separate cover.

Example: If 300 ABAWDs each receive a percentage exemption in each month of a given quarter, the county would enter 300 per month and 900 for the quarter total.

It is important to distinguish percentage exemptions from the general ABAWD exemptions defined in federal law, state regulations and in Section IV of this handbook. ABAWDs who are granted a percentage exemption remain subject to the time limit and must satisfy the work requirement beginning the month after receipt of their last percentage exemption to maintain CalFresh eligibility, unless otherwise exempt. When an ABAWD receives a percentage exemption they are only temporarily excused from satisfying the work requirement (i.e. for each month they receive the percentage exemption). Because these individuals are still considered ABAWDs subject to the time limit, they must be included, if timing is applicable, when entering ABAWD data in Part A – Work Registrant and ABAWD Information and Part F - Point in Time Work Registrant and ABAWD Counts of the STAT 47 report.

## **VII. Countable Months**

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An ABAWD's eligibility for CalFresh is limited to three full countable months of benefits within the 36-month period, unless the individual is exempt from the time limit, satisfying

the work requirement, or living in an area with a waiver of the ABAWD time limit. Each of these three full months of benefits is referred to as a “countable month”. CWDs must track an ABAWD’s use of their three countable months to correctly determine their CalFresh eligibility.

#### Identifying a Countable Month

A countable month is any month in which an ABAWD subject to the time limit receives CalFresh benefits for a full month while not exempt, satisfying the work requirement, or living in an area with a waiver of the ABAWD time limit. For an overview of exemptions, refer to Section IV of this handbook.

A month is not a countable month if any of the following are true:

- The ABAWD satisfies the work requirement during the month;
- The month is a partial/prorated month of benefits;
- The ABAWD qualifies for an exemption for any part of the month;
- The ABAWD lives in a waived county or area; or
- The ABAWD receives a percentage exemption.

#### Tracking Countable Months

CWDs must track an ABAWD’s three countable months within the 36-month period. Countable months do not need to be used consecutively. An ABAWD may temporarily find sufficient employment, stop participating in CalFresh for some time, become exempt, or experience other circumstances that may cause them to use their three countable months non-consecutively.

CWDs track each month of the ABAWD 36-month period by entering various tracking codes in the Statewide Automated Welfare System (SAWS). Tracking codes are then sent from SAWS to MEDS. The tracking code for a countable month is the letter “N”. For an overview of the tracking system and list of available codes, refer to Section XIII of this handbook.

Based on monthly codes received from the SAWS, MEDS populates a record of the 36-month period for each ABAWD. This record is accessible to every CWD statewide.

If an ABAWD subject to the time limit uses a countable month, the SAWS must transmit the tracking code “N” to MEDS for that month. The countable month code will display for the ABAWD’s record of the 36-month period. The record remains with the individual even if they move to an area with a time limit waiver and may need to be referenced if the ABAWD moves to a different state. The record also remains with the individual if they become a member of a different CalFresh household. Only when a new 36-month period begins does an ABAWD get a new record of the 36-month period in MEDS and a new set of three countable months.

*Example: 36-Month Calendar with Three Countable Months*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	N	W	W	W	W	W	W	W	W	W	W	W
Year 2	W	W	W	W	W	W	W	N	W	W	N	W
Year 3	W	W	W	W	W	W	W	W	W	W	W	W

**N** = Received countable month; **W** = Satisfied the work requirement

Moving Between Waived and Non-Waived Areas within the State

Due to regional differences in unemployment rates, certain counties or areas within counties may retain their waiver of the ABAWD time limit. Moving between waived and non-waived areas within the 36-month period does not “restart” the three countable months. If an ABAWD has used any countable months during the 36-month period, those countable months will remain with the individual until the end of the current 36-month period, regardless of the ABAWDs movement between waived and non-waived areas.

Countable months are applied based on the waiver eligibility of the area where the individual resides within the 36-month period. Months of benefits received while residing in a waived area do not count toward the three-month time limit. The SAWS must transmit the tracking code “Z” to MEDS for months in which an ABAWD lives in a waived area.

Moving to a Waived Area

When an ABAWD moves into an area that is waived, the ABAWD is no longer subject to the time limit. The individual does not need to satisfy the work requirement or verify exemption eligibility. If the individual was previously discontinued for exhausting their three countable months, the ABAWD may reapply and receive CalFresh if otherwise eligible.

Moving to a Non-Waived Area

If an ABAWD moves from a waived area into a non-waived area during the 36-month period, the ABAWD may become subject to the time limit. The ABAWD will be assigned a countable month for each full month of benefits received unless they satisfy the work requirement the first full month of residence in the non-waived area following the ICT, receive a percentage exemption, or be otherwise exempt while residing in the non-waived area.

Tracking an ABAWDs Movement between Waived and Non-Waived Areas

Tracking code “Z” will be used for the month an ABAWD moves between a waived and non-waived area, indicating that the month was not countable because the ABAWD resided for part of the month in a waived area.

Adjustments can be made to an ABAWD’s calendar retroactively if it is discovered that they moved to a waived county part way through the month. For example, the tracking code “N”, which indicates a countable month, may be replaced with the tracking code “Z” if an ABAWD subject to the time limit moves to a waived area part way through the month.

#### Inter-County Transfer (ICT) Implications

Per ACL 11-22, the receiving county is responsible for monthly tracking, including determining whether the ABAWD is satisfying the work requirement, the effective month of the transfer.

Generally, the receiving county is responsible for tracking the ABAWD the month in which the ICT is complete and moving forward. The receiving county must determine the ABAWD’s status and complete the corresponding tracking whether the receiving county is a waived or non-waived area.

If the receiving county is a waived area, the SAWS for the receiving county will transmit tracking code “Z” to MEDS. If the receiving county is a non-waived area the SAWS for the receiving county will transmit a tracking code indicating the ABAWD’s status the month of the ICT and moving forward. This includes determining whether the ABAWD is satisfying the work requirement (“W”), is exempt (“E”), used a countable month (“N”), is no longer eligible for benefits (9), etc.

If data for the ABAWD is not already in the system of the receiving county, the receiving county should access the ABAWD’s 36-month calendar in MEDS to assist in properly determining the individual’s ABAWDs status.

#### Use of Countable Months Out of State

Countable months may be accrued in other states. If there is evidence that an ABAWD subject to the time limit received SNAP benefits in another state, the CWD must verify any countable months used during California’s current 36-month period while residing in the other state. If the ABAWD accrued countable months during California’s current 36-month period, the CWD must update the individual’s record in MEDS to reflect the countable months that were used in the other state.

Acceptable verification from the other state agency includes a written or verbal statement (notated in the case record) or a printed image of the individual’s record of the 36-month period indicating countable months used in the other state. If necessary, the individual’s MEDS record must be updated, even if the individual is residing in a time limit waiver area in California at the time of application.

Note if an ABAWD subject to the time limit was not exempt and used a countable month in another state, the CWD must count that month, even if the individual would have been exempt had they been receiving benefits in California.

## **VIII. Losing Eligibility**

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An ABAWD who has received three countable months during the 36-month period, and is not otherwise exempt, is ineligible for CalFresh benefits. The individual will remain ineligible for the remainder of the 36-month period unless they regain eligibility, qualify for an ABAWD exemption, or move to a waived county or area.

County Welfare Departments must discontinue the ABAWD's CalFresh benefits with timely and adequate notice if they have exhausted their three countable months. The CWD must send the *Notice of Discontinuance for Failure to Meet the ABAWD Work Requirement* (CF 377.11) informing the individual of the discontinuance and explaining how the individual may regain eligibility. This notice must be sent no later than 10 days after the ABAWD reports a drop in work hours or the CWD becomes aware they are no longer satisfying the work requirement.

If it is discovered that an ABAWD has used their third countable month and the next month of benefits has already been issued, the CWD may determine that the ABAWD had good cause for failure to satisfy the work requirement, assign a percentage exemption for the month following the third countable month, or establish an overissuance. In these instances, the CWD must provide timely and adequate notice to discontinue CalFresh benefits effective the following month.

If the ABAWD has been discontinued and is no longer eligible for benefits, they are now considered an ineligible household member. The income and resources of ineligible household members must be handled in accordance with MPP Section 63-503.442. Such individuals must be excluded when determining the size of the CalFresh household. The entirety of their resources and a pro rata share of their income must be used when calculating the household's CalFresh allotment.

Note that for CalFresh households of more than one, benefits are only discontinued for the ABAWD who is subject to the time limit and failed to satisfy the work requirement, not the entire household.

### Administrative Hearings

The following procedures apply if an ABAWD requests an administrative hearing:

1. With entitlement to aid paid pending, the CWD must remove the third countable month and benefits may continue until there is a hearing decision.
2. If the hearing decision is in the CWD's favor, the original third countable month is counted, and the case will close. An overissuance will be established for any

CalFresh benefits received in error following the third countable month.

3. If the hearing decision is in the individual's favor, benefits received are retained and the CWD must review ABAWD participation status for ongoing months.

## **IX. Regaining Eligibility**

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An individual who is discontinued for failure to satisfy the ABAWD work requirement will remain ineligible until they satisfy requirements for regaining eligibility. There is no limit on the number of times an individual may regain eligibility within the 36-month period.

ABAWDs subject to the time limit who have exhausted their three countable months may regain eligibility at any time if they:

- Satisfy the ABAWD work requirement for any consecutive 30-day period prior to application;
- Qualify for an ABAWD exemption for any part of the month;
- Move to a waived county or area; or
- Reach the end of the 36-month period.

A new application is required for ABAWD households of one to regain eligibility for CalFresh. Once an ABAWD household of one has regained eligibility for CalFresh, benefits must be prorated from the date of application. If an ABAWD is requesting their CalFresh benefits be reinstated to an existing case, the CWD must follow current policy to add a new household member. The CWD must add the ABAWD effective the first day of the month following the month in which the request for CalFresh benefits was made after all verification has been provided.

If an individual regains eligibility through employment or other qualifying work activity, they must provide verification they satisfied the ABAWD work requirement in a consecutive 30-day period. The consecutive 30-day period does not have to immediately precede the date of application. Prospective work hours do not qualify an individual to regain eligibility.

### **Additional Three Consecutive Months**

In certain circumstances, ABAWDs subject to the time limit may be granted an additional three consecutive months of eligibility after they have exhausted their three countable months. This only applies to ABAWDs who have regained eligibility by satisfying the work requirement for any 30 consecutive calendar days, but have subsequently stopped satisfying the work requirement. The 30 consecutive days does not have to directly precede the date of application in order to qualify.

These additional months of benefits may not be issued separately throughout the 36-month period. Once the first of the three consecutive months is issued, the other two months will automatically follow even if the ABAWD satisfies the work requirement or

becomes exempt during that time. The three consecutive months of benefits are only available once during the 36-month period and must only be given to qualifying ABAWDs.

The three consecutive months start when the ABAWD notifies the CWD that they are no longer satisfying the work requirement. If the individual was participating in a county work program or workfare program, the three consecutive months will start when the CWD determines the ABAWD is no longer in compliance. Counties must track the three consecutive months in the ABAWD's individual record of the 36-month period in MEDS. An example of the use of the three consecutive months is illustrated below.

**Example:** An ABAWD subject to the time limit fails to satisfy the work requirement for the months of February, March, and April and is discontinued from CalFresh in May. In June, the ABAWD obtains employment, meets the work requirement, and regains eligibility for CalFresh. In August they lose their job and report the drop in work hours to the CWD. The ABAWD is eligible to receive the additional three consecutive months of CalFresh benefits for the months of August, September, and October without satisfying the work requirement. Beginning November, and for the remaining months of the 36-month period, the ABAWD can only receive CalFresh by satisfying the ABAWD work requirement, qualifying for an exemption, moving to a waived county or area, or receiving a percentage exemption. This example is illustrated in the table below.

*ABAWD 36-Month Calendar with Three Consecutive Months*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	P	N	N	N	9	P	W	C	C	C	9	9
Year 2	9	9	9	P	W	W	W	W	W	W	W	W
Year 3	W	W	W	W	W	W	W	W	W	W	W	W

**9** = Inactive; **C** = Received one of three consecutive months; **N** = Received countable month; **P** = Received partial month; **W** = Satisfied the work requirement

CalFresh eligibility rules continue to apply during the three consecutive month period for ABAWDs. ABAWDs are required to comply with all reporting requirements including making any applicable mandatory mid-period reports and completing the periodic and recertification reports. Failure to comply with CalFresh reporting requirements during the three consecutive months may result in discontinuance and loss of any remaining consecutive months of CalFresh benefits.

#### Noticing for the Three Consecutive Months

When the first month of the three consecutive months of benefits is issued, the CWD must issue the *CalFresh Notice of Expiration - Three Consecutive Months for ABAWDs* (CF 377.11A). The CF 377.11A informs the individual they will be discontinued at the



end of the three consecutive month period unless they begin satisfying the ABAWD work requirement, qualify for an exemption from the time limit, or move to a waived area.

## **X. Continuing Eligibility**

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### Mandatory Mid-Period Reports

Under simplified reporting, recipients are mandated to report specified changes to the CWD within 10 calendar days of the date of the change. The CWD must document any required reports made by the household, including the date of the report, in the case file. ABAWD households have two required mid-period reports:

1. Gross monthly income received over the Income Reporting Threshold (IRT); and
2. A reduction in ABAWD work hours below 20 hours per week or 80 hours averaged monthly.

The second mandatory mid-period reporting requirement only applies to ABAWDs subject to the time limit living in counties or areas that do not have a waiver of the ABAWD time limit. A reduction in the number of hours worked in unpaid county-supervised work activities, such as workfare, will not be subject to mandatory recipient mid-period reporting as this information is known to the county.

All non-waiver counties must act on reported reductions in ABAWD work hours mid-period. Upon receipt of a mandatory mid-period report, the CWD must first determine if the ABAWD:

- Is subject to the time limit;
- Qualifies for an exemption from the time limit;
- Satisfied the work requirement;
- Met good cause criteria; or
- Is eligible to receive a percentage exemption.

If none of these are true, the CWD must determine whether the reduction in work hours will result in:

1. Application of a countable month;
2. Application of a percentage exemption;
3. Discontinuance due to exhaustion of the three countable months;
4. Use of the three consecutive months (i.e. for those that have regained eligibility);  
or
5. Disqualification due to CalFresh E&T noncompliance.

If a discontinuance or disqualification is appropriate, the CWD must take action to reduce or discontinue benefits. The individual will be discontinued or disqualified at the end of the month in which timely and adequate 10-day notice can be provided. Note

that at this time all counties operate voluntary E&T programs. When E&T is voluntary, disqualification periods are not applicable for E&T noncompliance.

#### Changes Not Required to be Reported

Changes may occur in a household's circumstances mid-period that are not required to be reported to the CWD. When a change that is not required to be reported occurs and causes an individual to become subject to the ABAWD time limit, the CWD must apply ABAWD time limit rules from the date that the CWD becomes aware of the change.

When the CWD becomes aware of the change, the CWD must:

- Screen the individual for exemptions from the ABAWD time limit;
- Establish whether they are satisfying the ABAWD work requirement; and
- Begin assigning countable months of benefits if necessary.

Because the change is not required to be reported, no overissuance claim may be established from the date the change occurred to the date the CWD becomes aware of the change. The CWD may establish good cause in circumstances where a change that is not required to be reported caused an individual to become an ABAWD subject to the time limit and exceed their three countable months of benefits.

#### Periodic Report and Recertification for CalFresh Benefits

The CWD will continue to use the information reported on the SAR 7 Eligibility Status Report or CF 37 Recertification for CalFresh Benefits to determine continuing eligibility and future benefit amounts based on all eligibility factors for ABAWDs. Detailed instructions for the determination of continuing eligibility can be found in ACL 12-25 and ACL 12-25E.

The SAR 7 form will be revised to include questions specific to ABAWD eligibility. This revised form will be released under separate cover.

#### Restoration of Benefits

Per ACL 10-32 and ACL 18-96, when a household is discontinued due to an incomplete SAR 7 or for failure to submit the SAR 7, but the household resolves the issue within the restoration period, CWDs may restore eligibility to the household without a new application. For an ABAWD to be eligible to a restoration they must provide verification they are eligible to receive CalFresh (i.e. satisfied the work requirement, qualified for an exemption, or had good cause).

Within the month following the discontinuance, the household is required to provide the required verification to resolve the discontinuance. Before restoring benefits, the household must meet all other eligibility requirements. Once the information is verified by the CWD, eligibility will be restored, and benefits will be prorated from the date the discontinuance is resolved.

If the household does not submit a complete SAR 7 within the restoration period, the original discontinuance remains valid. The household will be required to submit a new application to continue receiving CalFresh.

## **XI. Certification Periods**

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Per 7 CFR 273.10(f)(3) and California Welfare and Institutions Code Section 18910.1, CalFresh households must be assigned certification periods that are the maximum number of months allowable under federal law for the household type. Households may only be assigned a shorter certification period on a case-by-case basis when the household's circumstances require a shorter certification period.

To align with current policy, CWDs will continue to certify CalFresh households that include at least one ABAWD to a 12-month certification period. CWDs must apply the following certification period engagement methods based on the ABAWD's circumstances.

### ABAWDs Exempt from the Time Limit

ABAWDs who are exempt from the time limit at the time of application or recertification must be certified for a period of 12 months. In general, ABAWD exemptions are granted for the length of the certification period unless, in limited circumstances, an individual has been granted a temporary exemption. If a temporary exemption is granted, the CWD must notate the case file and follow up with the household at the anticipated end date of the exemption. At that time, the CWD will assess whether the ABAWD continues to meet the criteria for an exemption from the time limit or must satisfy the work requirement. To maintain CalFresh eligibility, households that include an ABAWD who is exempt from the time limit must submit a periodic report six months after application and an annual recertification.

Note that this also applies to ABAWDs who are living in a waived area.

### ABAWDs Subject to Time Limit and Satisfying the Work Requirement

ABAWDs subject to the time limit who are satisfying the work requirement through employment or another qualifying activity at the time of application or recertification must be certified for a period of 12 months. Households with an ABAWD who is satisfying the work requirement must submit a complete periodic report six months after application and an annual recertification to maintain CalFresh eligibility. ABAWDs subject to the time limit must answer the supplemental ABAWD questions on the revised periodic report (in draft at the time of publication) to determine whether they continue to satisfy the work requirement.

Note that under simplified reporting ABAWDs cannot be required to report and verify hours worked each month. The CWD may only determine and verify work hours at application and recertification. ABAWDs subject to the time limit, however, are required

to report to the CWD mid-period when they experience a reduction in work hours below 20 hours per week or 80 hours averaged monthly within 10 days of the date the drop in work hours became known to the household.

#### ABAWDs Subject to Time Limit and Not Satisfying the Work Requirement

ABAWDs subject to the time limit who are not satisfying the work requirement at the time of application or recertification may be at risk of reaching the time limit early in their certification period. Therefore, ABAWDs who are subject to the time limit, but not satisfying the work requirement at the time of application or recertification will be certified for a period of 12 months with the addition of monthly engagement by the CWD. Monthly engagement is intended to ensure that ABAWDs who are subject to the time limit, but are not satisfying the work requirement, are aware of options available to them to satisfy the work requirement and retain benefits. See Section XII below for more information on ABAWD engagement.

As mentioned previously, households assigned to simplified reporting cannot be required to report and verify hours worked each month. Therefore, if an ABAWD who is not satisfying the work requirement at the time of application or recertification becomes employed or begins participating in a qualifying work activity, it is the responsibility of the ABAWD to inform the CWD of the change or they will continue to accrue countable months. This is not an additional required mid-period report, but CWDs should encourage ABAWDs to report such changes in circumstances as it could prevent the household from inadvertently losing benefits when they may still be eligible.

If an ABAWD subject to the time limit who is not satisfying the work requirement at the time of application or recertification does not inform the CWD that they have engaged in employment, a qualifying work activity or have become exempt, the CWD must assume that the ABAWD has reached the time limit after three countable months of benefits have been issued. The CWD must send the CF 377.11 *CalFresh Time Limit Notice for Failure to Meet the ABAWD Work Requirement* prior to discontinuance.

Because ABAWDs must be provided 10 days to report a reduction in work hours, the CF 377.11 must be sent at least 10 days prior to discontinuing a case. In some cases, the CWD may have already issued benefits the month after an ABAWD has used their three countable months and reached the time limit. In these circumstances the CWD may apply a percentage exemption to avoid an overissuance of benefits.

Note that households may only be assigned a certification period of less than 12 months if the household's individual circumstances require a shorter certification period. This determination may only be made on a case-by-case basis.

## **XII. Monthly ABAWD Engagement**

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CDSS strongly encourages CWDs to engage ABAWDs before discontinuing CalFresh benefits. As soon as the CWD becomes aware that an ABAWD subject to the time limit

has stopped satisfying the work requirement during the certification period the county must begin monthly engagement with the ABAWD and apply the strategies described in this section.

In addition to the engagement notices described below, the CWD may attempt to contact the individual by phone or electronic means and encourage them to contact the county for assistance in satisfying the work requirement.

#### ABAWD Informing Letters and Notices

*1. CF 377.11 - CalFresh Time Limit Notice – Failure to Meet the Able-Bodied Adults Without Dependents (ABAWDs) Work Requirement*

This notice replaces the DFA 377.11. The title of this notice has changed from “Food Stamp Notice of Discontinuance (Failure to meet the Able-Bodied Adults Without Dependents (ABAWDs) Work Rule)” to “CalFresh Time Limit Notice – Failure to Meet the Able-Bodied Adults Without Dependents (ABAWDs) Work Requirement”. The purpose and intent of this notice has not changed. The purpose of the CF 377.11 is to inform the client that they will be discontinued from receiving CalFresh after failing to satisfy the ABAWD work requirement for three full countable months during the 36-month period. This notice also provides instructions to the client on how they may continue to receive CalFresh benefits or regain CalFresh eligibility after discontinuance.

This notice must be sent no later than ten days prior to discontinuance.

*2. CF 377.11A - CalFresh Time Limit Notice – Expiration of Three Consecutive Months for Able-Bodied Adults Without Dependents (ABAWDs)*

This notice replaces the DFA 377.11A. The title of this notice has changed from “Food Stamp Notice of Discontinuance (Three Consecutive Months for ABAWDs/Non-Assistance CFAP Recipients)” to “CalFresh Time Limit Notice – Expiration of Three Consecutive Months for Able-Bodied Adults Without Dependents (ABAWDs)”. The purpose and intent of this notice has not changed. The purpose of the CF 377.11A is to inform the client that they have been granted the additional three consecutive months of CalFresh benefits available to ABAWDs subject to the time limit. This notice also provides instructions to the client on how they may continue to receive CalFresh benefits or regain CalFresh eligibility.

This notice should be sent no later than ten days after the three consecutive months has been granted.

*3. CF 377.11B - CalFresh Countable Month Letter – Use of Countable Month for Able-Bodied Adults Without Dependents (ABAWDs)*

This is a new letter sent to ABAWDs subject to the time limit who are not satisfying

the ABAWD work requirement. CWDs must send ABAWDs subject to the time limit, but not satisfying the work requirement, and accruing countable months, this letter for every month the CWD determines that the ABAWD has received a countable month of benefits, based on the most recent information available.

This letter informs the household they have received a countable month of benefits toward the ABAWD time limit. Additionally, the countable month letter will include information about how to report a change in circumstances, particularly if the ABAWD has started to satisfy the work requirement and has not informed the county, or is now meeting the criteria for an exemption.

The ABAWD Countable Month Letter must be sent for countable months one and two. The CF 377.11B is an informational letter and there is no required client action and no negative action associated with the letter.

This notice should be sent on or before Notice of Action (NOA) cut off which is 10 days prior to the end of the month when, based on the most recent information available, the CWD assumes the ABAWD is not satisfying the work requirement and subsequently receives a countable month of CalFresh benefits.

4. *CF 377.11C - CalFresh Informational Notice – CalFresh Time Limit for Able-Bodied Adults Without Dependents (ABAWDs)*

The CF 377.11C is a new informational notice that provides ABAWD households and potential ABAWD households with information regarding the ABAWD time limit, ABAWD time limit exemptions and changes to their reporting requirements. This informational notice highlights changes related to the ABAWD time limit. The informational notice does not explain all CalFresh reporting requirements or rules and does not replace any existing notices.

The CWD must send the informational notice to all existing CalFresh households with individuals determined to be an ABAWD based on information available to the CWD in the existing case record at least six months in advance of the CWD implementing the ABAWD time limit. The informational notice must also be given to all applicant households that apply during the 6-month time period prior to implementation and that includes individuals determined to be an ABAWD based on information provided to the CWD on the application.

The CF 377.11C is an informational notice and there is no required client action and no negative action associated with the notice.

5. *ABAWD Work Reminder Letter*

The CWDs will send a monthly *ABAWD Work Reminder Letter* to ABAWDs who are subject to the time limit, but not satisfying the work requirement at application or

recertification. This letter reminds the household of the ABAWD work requirement and provides information regarding how to contact the county for assistance in satisfying the work requirement. Additionally, the work reminder letter will include information about exemption criteria and how to report a change in circumstances. The work reminder letter should be sent on or before NOA cut off which is 10 days prior to the end of the month. In sending this notice the CWD, based on the most recent information available, assumes the ABAWD is not satisfying the work requirement.

The Work Reminder Letter is an informing notice and there is no required client or associated negative action.

### Certification Period and Monthly Engagement Examples

The tables below provide a visual representation of assigned certification periods based on ABAWD certification period policy and ABAWD eligibility rules.

### Example 1: 12 Month Certification Period – Consecutive Use of Countable Months

In this example, the individual applies after the first of the month in month 1. They receive a partial benefit allotment which is not countable toward the three month time limit. The ABAWD is not working at application and receives three countable months for months two through four. The discontinuance notice was sent timely and CalFresh benefits were discontinued effective the first of the following month.

[illegible]



**Example 2: 12 Month Certification Period – Non-consecutive use of Countable Months**

In this example, the individual notified the CWD they lost their job in month 10 and would not satisfy the work requirement that month. The discontinuance notice was sent within 10 days following the mandatory mid-period report (still in month 10) and CalFresh benefits were discontinued effective the first of the following month.

Month	1	2	3	4	5	6	7	8	9	10	11	12
<b>ABAWD Eligibility</b>	Partial	Countable Month 1	Satisfied Work Req	Satisfied Work Req	Countable Month 2	SAR 7 Satisfied Work Req	Satisfied Work Req	Satisfied Work Req	Satisfied Work Req	Countable Month 3	Ineligible	Ineligible
<b>CWD Action</b>	Send Work Reminder Letter	Send Work Reminder Letter Countable Month 1 Letter	None	None	Send Work Reminder Letter Countable Month 2 Letter	None	None	None	None	Discontinue Send CF 377.11	None	None

### **XIII. Tracking ABAWD Participation**

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CWDs must track ABAWD time limit status of each ABAWD subject to the time limit for each month of the 36-month period. CWDs track an ABAWD's monthly CalFresh participation using various tracking codes which indicate the ABAWD's status as it relates to the ABAWD time limit for each month. Tracking codes are entered by the county eligibility worker into the SAWS. This data is maintained in the SAWS and provided to MEDS monthly.

#### Tracking ABAWDs in the Fixed 36-Month Period

Tracking in MEDS in the fixed statewide 36-month period will only begin for ABAWDs subject to the time limit. Tracking codes for individuals exempt from the ABAWD time limit will not be tracked until they become subject to the time limit and are no longer exempt. Counties may undertake more detailed tracking at their discretion.

Once tracking an ABAWD subject to the time limit has been initiated, it must continue for the remainder of the 36-month period. This can include periods of time when the individual is residing in a waived area or temporarily meets the criteria for an exemption. Note there should be no blank months in the ABAWD calendar *after* tracking has been initiated. The CWD may see blank months prior to an ABAWD being identified as subject to the time limit.

#### ABAWD Tracking Codes

ABAWD tracking codes must be entered in each cell within the 36-month calendar. The table below lists the current ABAWD tracking codes and provides a definition for each.

<b>Code</b>	<b>Name</b>	<b>Definition</b>
E	Exempt	Individual meets exemption criteria as defined in Section IV of this handbook
W	Satisfied the ABAWD work requirement	Individual is employed or participating in a qualifying work activity for 20 hours per week (80 hours averaged monthly) or for the required number of activity hours. May also be used for combined activities (i.e. paid employment and community service) or participation in workfare for the required number of hours
N	Did not satisfy the work requirement, received one countable month	Individual failed to satisfy the ABAWD work requirement for the month. There can only be three "N" codes in the 36-month period
P	Received partial month of benefits	Individual received a prorated benefit allotment; prorated months are not countable.
C	Received one consecutive month	Individual qualifies for the three consecutive months. There can only be three "C" codes in the 36-month

Code	Name	Definition
		calendar and they must appear consecutively and after the three countable months (N)
F	Percentage exemption	Received one percentage exemption for the month
G	Good Cause	Indicates the ABAWD was subject to the time limit, but had good cause for not satisfying the ABAWD work requirement during the month(s)
Z	Resided in a waiver area	Individual is living in a waived county or area for any portion of the month
9	Inactive/Ineligible	Inactive/Ineligible, individual did not receive CalFresh.
A	Aid Paid Pending/Appealed negative action	Individual filed a state hearing request to appeal a negative action and received aid paid pending

*Example: ABAWD 36-Month Calendar with Tracking Codes*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Year 1</b>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
<b>Year 2</b>	Z	Z	Z	Z	Z	Z	Z	Z	N	N	N	9
<b>Year 3</b>	9	P	W	W	W	W	W	C	C	C	E	E

**9** = Inactive; **C** = Received one of three consecutive months; **E** = Exempt; **N** = Received countable month; **P** = Received partial month; **W** = Satisfied the work requirement; **Z** = Resided in a waiver area

Tracking Responsibilities for Waived Counties

Waived counties are not required to implement the ABAWD time limit, but are still responsible for tracking ABAWDs. Waived counties must continue to track non-exempt ABAWDs via the quarterly STAT 47 report. Data submitted in the STAT 47 is used to complete the U.S. Department of Agriculture, Food and Nutrition Service SNAP Employment and Training Program Activity Report (FNS 583). The FNS 583 provides county, state, and federal entities with information needed for budgeting, staffing, and program planning.

Additionally, ABAWDs in waived counties will be tracked by the consortia in MEDS using a select number of the available ABAWD tracking codes. The EW will determine the appropriate code and the system will send the following tracking codes to MEDS for ABAWDs living in waived counties:

- E – Exempt
- P – Received partial month of benefits
- Z – Resided in waiver area
- 9 – Inactive/Ineligible

#### **XIV. California Food Assistance Program (CFAP)**

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California provides state-funded food assistance benefits through the California Food Assistance Program (CFAP) for qualified non-citizens who do not qualify for federal CalFresh benefits. Individuals receiving CFAP benefits are subject to the ABAWD time limit rules and are tracked monthly based on the receipt of state-funded benefits.

If a CFAP recipient begins receiving federal CalFresh benefits during the 36-month period, ABAWD status will be reassessed, and as appropriate, a new calendar will be created separate from CFAP tracking. The ABAWD's eligibility for CalFresh will be "reset" and they will be subject to the time limit as a recipient of federal CalFresh benefits, unless they are otherwise exempt.

The ABAWD will receive a new set of three countable months, regardless of whether they lost eligibility due to reaching the ABAWD time limit as a CFAP recipient. A new 36-month calendar will be established in MEDS when they become a recipient of federal CalFresh benefits.

##### CFAP Percentage Exemptions

Per MPP Section 63-411.2, CFAP recipients are subject to ABAWD time limit rules and exemption criteria, including percentage exemptions and as a general rule, individuals receiving CFAP benefits are to be treated the same as individuals receiving federally-funded CalFresh benefits. CFAP recipients, however, are not eligible to receive federally-funded percentage exemptions as they are ineligible for CalFresh.

To address the absence of percentage exemptions for CFAP recipients, California will provide a state-funded equivalent. Individuals at risk of losing state-funded CFAP benefits due to not satisfying the work requirement may receive a state-funded, CFAP specific, percentage exemption.

CFAP ABAWDs who are granted a CFAP percentage exemption are temporarily excused from satisfying the work requirement (i.e. for one month). ABAWDs excused from satisfying the work requirement under the CFAP percentage exemption remain subject to ABAWD time limit rules and must satisfy the work requirement, qualify for an exemption, or reside in a waiver area to maintain CFAP eligibility beginning the month following the last month in which the CFAP percentage exemption has been applied.

County and individual CFAP percentage exemption allocation guidelines remain the same as federal CalFresh percentage exemption guidelines. For individual allocation guidelines, see section VI of this handbook. The county allocation of state percentage exemptions will be provided to counties in an annual ACIN.